

UNUS #96-0387-UNI
Case No. F7340(V)

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claims 1, 10 and 14 have been amended to incorporate molar ratios disclosed on page 7 of the present specification.

On page 2 of the Action, the Office indicates that changes made to Section 102(e) by the AIPA do not apply to the examination of this application "as the application...was not...filed on or after November 29, 2000" or voluntarily published. However, in the Action mailed May 1, 2001, the Office acknowledged the establishment of a CPA which had been filed on March 28, 2001. Therefore, it is submitted that the present application was filed on or after November 29, 2000 and that the changes to Section 102(e) made by the AIPA should apply. Acknowledgement by the Office that the AIPA version of Section 102(e) should apply, or reasons why it should not apply, would be appreciated.

In considering what "organogel" means, the Office points to the description in line 3-5 of page of the specification of the composition of the organogel, but ignores the next lines (6-8) of page 1 wherein it is indicated that the organogel of the invention "has a firmness larger than that of the liquid fatty component when compared at the same temperature, normally room temperature." It is submitted, then, that reference simply to the composition is incorrect and that "organogel" relates to the firmness of the composition.

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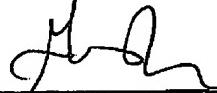
In view of the above discussion of "organogel," it is submitted that the Office has pointed to no teaching by Moreau et al. of an organogel. In addition, the Office points to no teaching in Moreau et al. of the presently recited molar ratios. Likewise, the arguments presented by the Office for obviousness based on the combination of Jandacek and Moreau et al. suffer from the same deficiencies. As to claim 14, Carlsson does not appear to disclose an organogel including a liquid fatty component, at least one sterol and at least one sterol ester, wherein the molar ratio of sterols to sterol esters is in the range of 1:5 to 5:1.

Applicants assume that mention of claim 5 in the office action, which had been canceled earlier, is erroneous. Claim 10 has been amended to correct the informality concerning a repeated phrase.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings To Show Changes Made."

In view of the foregoing, it is respectfully requested that the application be allowed.

Respectfully submitted,



Gerard J. McGowan, Jr.
Attorney for Applicant(s)
Reg. No. 29,412

GJM:pod
(201) 840-2297

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Please amend claims 1, 10 and 14 as follows:

1. (Twice amended) Composition [containing] comprising an organogel, the organogel [comprising] including a liquid fatty component, at least one sterol and at least one sterol ester, wherein the molar ratio of sterols to sterol esters is in the range of 1:5 to 5:1.

10. (Twice amended) Composition according to claim 1, wherein the molar ratio of sterols and sterol esters is in the range of ~~sterols and sterol esters is in the range of 1:5 to 5:1~~1:3 to 3:1.

14. (Twice amended) A method for giving firmness to a liquid fat [by the] comprising use of an organogel [comprising] including a liquid fatty component, at least one sterol and at least one sterol ester, wherein the molar ratio of sterols to sterol esters is in the range of 1:5 to 5:1.